

In the Supreme Court of the United States

OCTOBER TERM, 1949

No. 12, ORIGINAL

UNITED STATES OF AMERICA, PLAINTIFF
v.

STATE OF LOUISIANA

MOTION FOR JUDGMENT

Comes now the United States, by its Attorney General and its Solicitor General, and moves the Court for judgment as prayed in the Complaint, in accordance with the Court's order of June 13, 1949, 337 U. S. 928. If the Court should desire to hear argument on the issues raised by the Complaint, the United States requests that the case be set for argument at an early date.

J. HOWARD McGRATH,
Attorney General.

PHILIP B. PERLMAN,
Solicitor General.

SEPTEMBER, 1949.

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STATEMENT WITH RESPECT TO MOTION

On December 21, 1948, the United States filed its motion for leave to file its complaint in this case. Normally, such leave would be granted as of course, as was done in *United States v. California*, 326 U. S. 688. Louisiana, however, asked for permission to oppose the motion, and this Court, by order of January 3, 1949 (335 U. S. 901), allowed the State two weeks within which to present any objections it might have "based upon jurisdictional grounds." Thereafter, on three successive dates (January 17, 1949, February 9, 1949, and May 5, 1949), the State filed documents with this Court in which it challenged the jurisdiction of the Court. It even sought, over the objections of the United States, to have the adjudication of this preliminary matter of jurisdiction postponed to the following October term, but the Court heard argument on the motion on May 9, 1949. Just one week later, on May 16, 1949, the Court granted the motion of the United States for leave to file, and ordered that process issue, returnable September 1, 1949. 337 U. S. 902. This order was a ruling on the jurisdiction of the Court. Louisiana, however, filed a petition for rehearing on May 31, 1949, in which it indicated that it still regarded the question of jurisdiction as open. In an order

dated June 13, 1949, the Court denied the petition for hearing in terms which left no room for ambiguity (337 U. S. 928):

The petition for rehearing is denied. The objections to the granting of leave to file the complaint are overruled and the State of Louisiana is directed to answer the allegations of the complaint within the time specified in the subpoena, otherwise the plaintiff may proceed *ex parte*.

Now, instead of answering the "allegations of the complaint," Louisiana has again filed a motion challenging the jurisdiction of the Court and attempting to raise other objections of an insubstantial character, calculated to delay the adjudication of this case on the merits.

Such tactics are particularly contrary to the public interest here, since the case on the merits is squarely governed by *United States v. California*, 332 U. S. 19.

In the circumstances, we think that the Court could properly enter judgment forthwith on the Complaint. However, if the Court should desire argument, the case should be set down for argument on the merits at an early date.

Respectfully submitted,

J. HOWARD McGRATH,
Attorney General.

PHILIP B. PERLMAN,
Solicitor General.

SEPTEMBER, 1949.